

LICENSING SUB COMMITTEE25 June 2018
10.05 - 11.05 am**Present:** Councillors Bird, McQueen and Moore**Officers**

Senior Technical Officer: Alexander Nix

Legal Advisor: Ella Lee

Committee Manager: Sarah Steed

Present for the Applicant

Applicant's Representative: Mr Cullaro

FOR THE INFORMATION OF THE COUNCIL**18/58/Lic Appointment of a Chair**

Councillor Bird was appointed as Chair for the meeting.

18/59/Lic Declarations of Interest

Name	Item	Interest
Cllr Moore	18/61/Lic	Worked for a chocolate company whose chocolate was sold in Charlie's Coffee House.

18/60/Lic Meeting Procedure

All parties noted the procedure.

18/61/Lic Charlies Coffee Hearing

The Senior Technical Officer presented the report and outlined the application.

In response to Member's questions the Senior Technical Officer confirmed that 5 complaints had been received regarding a fire / intruder alarm and 1 complaint had been received regarding building works.

Applicant

Mr Cullaro made the following points:

- i. The business had been up and running since 2014, since that time the local area had changed and had become a family friendly street.
- ii. The restaurant had been improved, children enjoyed the restaurant and families liked to sit outside the restaurant.
- iii. The business had had no issues with misbehaving customers.
- iv. All staff received training and would challenge anyone buying alcoholic drinks if they did not look 21 years of age. If individuals did not have ID to prove their age then they would not be sold alcohol.
- v. Under the current licensing conditions, customers were only able to buy and drink alcohol inside the restaurant.
- vi. The complaints regarding the fire alarms related to the language school which was above the restaurant and had nothing to do with the restaurant.
- vii. The complaint regarding building works again related to a party taking place upstairs. The restaurant had some furniture which was not suitable for health and safety standards therefore works were undertaken to rectify this during these works music came from upstairs.
- viii. Other restaurants in the vicinity had permission to sell alcohol outside their premises.
- ix. The restaurant did not sell alcohol on draught everything was from a bottle.
- x. The person who had raised a complaint about the application was a persistent complainer.
- xi. The restaurant worked with the Police and gave them full access whenever there were any issues on Burleigh Street.
- xii. The restaurant had also worked with the Environmental Health Team.
- xiii. They would not sell alcohol to individuals who were inebriated and staff had undertaken training regarding the sale of alcohol.
- xiv. The restaurant was a family business and had done everything that it was required to do, to be able to sell alcohol to customers in the outside seating area.

Member Questions

In response to Members' questions the Senior Technical Officer confirmed:

- i. Although the licensed premises had specific licensing hours, the restaurant did not have to open for all the hours that the licence permitted.

Applicant

In response to Member's questions Mr Cullaro made the following points:

- i. There was an area of land outside the restaurant which belonged to Charlie's Coffee Company and not the City Council. Tables and chairs in this area did not impact on pedestrian, bicycle or wheelchair accessibility.
- ii. Currently in the outside seating area there was one chair and one mini table. Ashtrays were provided so that customers could smoke and have somewhere to dispose of their cigarettes. Staff had to check and clean this area hourly.
- iii. There were no plans for the restaurant to be open beyond 11pm; he was conscious that he did not want his staff to be heading home after 11pm.
- iv. Customers would be asked 15 minutes before 10pm to be mindful of the restaurants closing hours.
- v. The restaurant had complied with its current licensing conditions.

In response to the Legal Officer's questions Mr Cullaro made the following points:

- i. The maximum capacity of the external area was 15 people; realistically it would hold 4 tables and 10 people.
- ii. Customers generally either spent 25-40 minutes in the restaurant and then went on to the cinema. Families who came to the restaurant tended to have a glass of wine rather than beer.
- iii. The Chinese restaurant and pub that were near to the restaurant both had external seating areas and therefore his restaurant should be treated the same and be able to permit customers to sit outside and drink alcohol.
- iv. The Chinese restaurant had 7-8 tables plus chairs outside its premises and they could serve alcohol outside.
- v. The premises variation application would not add to the cumulative impact area.
- vi. The restaurant had lost custom because they were unable to sell alcohol to customers who wanted to sit outside the restaurant.

Members withdrew at 10:30am and returned at 11:00am. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved to grant the application under s34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Charlie's Coffee Company 44-45 Burleigh Street as detailed in the Committee papers.

The Sub Committees reasons for reaching the decision are as follows:

1. Noted the current licence only allowed the tables and chairs to be used outside up to 10pm.
2. Found that the applicant had demonstrated that the operation of the premises would not add to the cumulative impact.

The meeting ended at 11.05 am

CHAIR